



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,809	05/31/2001	Kazuaki Nakajima	P/289-165	1249

7590

09/16/2004

STEVEN I. WEISBURD, ESQ.
DICKSTEIN SHAPIRO MORIN & OSHINSKY, LLP
1177 AVENUE OF THE AMERICAS- 41ST FLOOR
NEW YORK, NY 10036-2714

EXAMINER

BAYARD, DJENANE M

ART UNIT

PAPER NUMBER

2141

DATE MAILED: 09/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/870,809	Applicant(s) NAKAJIMA, KAZUAKI	
	Examiner Djenane M Bayard	Art Unit 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,4, 7, 10-11 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application No. 2001/0037266 to Schroeder.

- a. As per claims 1 and 4, Schroeder teaches a method of identifying a server from a client terminal having a browser and a processor, said server and said client terminal being connectable with each other via a communications network, comprising the steps of: a) transmitting a first request packet from said browser to said server (; b) receiving the first request packet at said server and transmitting therefrom server specific information to said browser, indicating a server in which shared data file is maintained; c) receiving said server specific information at said browser and invoking said processor to hand over the received information to the processor; d) transmitting a second request

Art Unit: 2141

packet from the processor to a server specified by the received server specific information; and e) receiving the second request packet at the specified server and transmitting therefrom said shared data file to said processor (See page 3 paragraph 0037)).

b. As per claims 7 and 11, Schroeder teaches a communications network ; a server connected to the network; and a client terminal connected to the network, the client terminal having a processor and a browser, the browser transmitting a first request packet to said server; said server being responsive to said first request packet for transmitting a server specific information to said browser for indicating a server in which shared data file is maintained, said browser being responsive to said server specific information for invoking said processor to hand over the received information thereto, said processor being responsive to the received information for transmitting a second request packet to a server specified by the received information, and the specified server being responsive to the second request packet for transmitting said shared data file to said processor (See page 3, paragraph [0037]). Remarks : It is inherent that the client terminal has a processor in order to process the request and the response from the server.

c. As per claims 10 and 14, Schroeder teaches wherein said server is configured to receive server specific information from another server of the network and transmits the received server specific information to said browser (See page 3, paragraph [0037]).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2-3, 5-6, 8-9, 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over by U.S. Patent Application No. 2001/0037266 to Schroeder in view of U.S. Patent No. 5,852,717 to Bhide et al.

a. As per claims 2, 5, 8 and 12, Schroeder teaches the claimed invention as described above. However, Schroeder fails to teach wherein the client terminal includes a memory device and the step (e) comprises storing the transmitted shared data file in said memory device, further comprising the step of transmitting a third request packet from said processor to the specified server and transmitting therefrom differential data representing a difference between the shared data file maintained by the server and the shared data file stored in said memory device.

Bhide et al teaches a performance optimization for computer networks utilizing HTTP. Furthermore, Bhide et al teaches wherein the client terminal includes a memory device and the step (e) comprises storing the transmitted shared data file in said memory device, further comprising the step of transmitting a third request packet from said processor to the specified server and transmitting there from differential data representing

Art Unit: 2141

a difference between the shared data file maintained by the server and the shared data file stored in said memory device (See Col. 8, lines 1-64).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the client terminal includes a memory device and the step (e) comprises storing the transmitted shared data file in said memory device, further comprising the step of transmitting a third request packet from said processor to the specified server and transmitting therefrom differential data representing a difference between the shared data file maintained by the server and the shared data file stored in said memory device as taught by Bhide et al in order to set up the cache of information and realize a performance increase (See col. 8, lines 1-3)

b. As per claims 3, 6, 9 and 13, Schroeder teaches the claimed invention as described above. However, Schroeder fails to teach wherein said network includes a cache memory, and wherein said second request packet contains an identifier identifying said shared data file, said identifier being determined for each access from said processor to said server so that the shared data file identified by said identifier does not coincide with data stored in said cache memory.

Bhide et al teaches wherein said network includes a cache memory, and wherein said second request packet contains an identifier identifying said shared data file, said identifier being determined for each access from said processor to said server so that the shared data file identified by said identifier does not coincide with data stored in said cache memory (See col. 12, lines 15-35)

Art Unit: 2141

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said network includes a cache memory, and wherein said second request packet contains an identifier identifying said shared data file, said identifier being determined for each access from said processor to said server so that the shared data file identified by said identifier does not coincide with data stored in said cache memory as taught by Bhide et al in the claimed invention of Schroeder in order to set up the cache of information and realize a performance increase (See col. 8, lines 1-3).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. patent No. 6,567,843 to Schumacher teaches a director controlled web session.

U.S. Patent No. 6,625,624 to Chen et al teaches an information access system and method for archiving web pages.

U.S. patent No. 6,279,001 to DeBettencourt et al teaches a system for serving web pages that manages a plurality of web servers.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M Bayard whose telephone number is (703) 305-6606. The examiner can normally be reached on 7:00 AM-4:30 PM.


Art Unit: 2141

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Djenane Bayard

Patent Examiner


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER